

Notice of Allowability

Application No.

10/826,824

Examiner

David J. Walczak

Applicant(s)

AGUIRRE ET AL.

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the papers filed 9/15/06.
2. ☒ The allowed claim(s) is/are 1.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 11/6/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DAVID J. WALCZAK
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Mario Aguirre on 11/1/06.

The application has been amended as follows:

On page 4, line 22: delete "Velcro" and substitute --a hook and loop fastener, i.e., VELCRO--.

On page 7, line 14: delete "velcro" and substitute --a hook and loop fastener, i.e., VELCRO--.

On page 7, line 20: after "wristband" insert --in a plurality of orientations and angles--.

On page 8, line 3: delete "key ring" and substitute --staple--.

On page 8, line 4: delete "key ring" and substitute --staple--.

On page 8, line 4: delete "1C" and substitute --1A--.

On page 9, line 27: delete "velcro" and substitute --VELCRO--.

On page 10, line 8: delete "Velcro" and substitute --VELCRO--.

On page 10, line 21: delete "Velcro" and substitute --VELCRO--.

On page 10, line 23: delete "Velcro" and substitute --hook and loop material, i.e., VELCRO--.

On page 10, line 25: delete "Velcro" and substitute --hook and loop material, i.e., VELCRO--.

On page 11, line 24: delete "Velcro" and substitute --hook and loop type fastener, i.e., VELCRO--.

On page 11, the last line: delete "31" and substitute --30--.

On page 14, line 9: delete "Velcro" and substitute --hook and loop material, i.e., VELCRO--.

In claim 1:

Delete lines 3-38 entirely and substitute:

--a wristband adapted to be worn around the wrist of a user;
a tether having a first end attached to said wristband;
a writing instrument holder attached to a second end of said tether;
a writing instrument attached to said writing instrument holder such that said writing instrument can rotate with respect to said writing instrument holder;
a first attachment device secured to an outer surface of said wristband;
a second attachment device secured to said writing instrument wherein said writing instrument may be attached to said wristband at a plurality of angles and orientations by attaching said second attachment device to said first attachment device and
a third attachment device secured to an outer surface of a central portion of said tether wherein said tether may be attached to said wristband by attaching said third

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attachment device to said first attachment device to prevent said tether from dangling between said writing instrument and said wristband.--

Cancel claims 2-4.

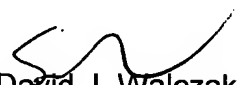
The following is an examiner's statement of reasons for allowance: None of the prior art, alone or in combination, discloses the Applicant's invention of a writing instrument holding device as claimed. It is noted that the device disclosed in the Treadway reference (which was applied against the original claims) does not include an attachment device which enables the writing instrument to be attached to the wristband in a plurality of angles and orientations and does not include an attachment device on the outer surface of a central portion of the tether for attaching the tether to the wristband.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Walczak whose telephone number is 571-272-4895. The examiner can normally be reached on Mon-Thurs, 6:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huson Gregory can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David J. Walczak
Primary Examiner
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DJW
11/1/06